

REMARKS

The present application has been reviewed in light of the final Office Action dated September 8, 2009.

Status of Claims

Claims 33-40, as presented in Applicant's June 4, 2009 communication to the U.S. Patent and Trademark Office, are pending and under consideration, with claim 33 being in independent form. Claims 1-32 were previously cancelled. Claims 41 and 42 were previously withdrawn from consideration as not being directed to elected subject matter.

By this Amendment, claims 33, 34 and 36-40 have been amended and claim 35 has been cancelled without disclaimer or prejudice to Applicant's right to pursue the subject matter of this claim in the future. Accordingly, claims 33, 34 and 36-40 will be pending and under consideration following entry of this Amendment.

No new matter has been added by this Amendment. Support for the amendments to the claims can be found in the original disclosure at, for example, pages 31-38 of the specification.

Entry of this Amendment is respectfully requested.

Rejection of Claims – 35 U.S.C. §103(a)

In the September 8, 2009 Office Action, the Examiner rejected claims 33-40 as allegedly unpatentable over Japanese Published Application JP 2001-17834 to Takahashi (hereinafter "the '734 reference") in view of U.S. Patent Application Publication No. 2002/0183693 A1 to Peterson et al. (hereinafter "Peterson").

Applicant respectfully submits that independent claim 33 as presently amended is patentable over the cited references for at least the following reasons.

In the September 8, 2009 Office Action, the Examiner acknowledged Applicant's argument that the '734 reference fails to teach or suggest a first medical device and a second medical device in interchangeable master-slave relation but instead describes a fixed master-slave relation in which a main device identifies a treatment instrument connected to the main device, creates control information regarding which supportive device is to be operated synchronously with the main device, and uses this control information to provide control of the supportive device to be operated synchronously and to prohibit operation of supportive device not to be operated synchronously.

By this Amendment, independent claim 33 has been amended to further clarify this difference.

Specifically, amended independent claim 33 claims, in clean form, a surgery system comprising, *inter alia*,

- “a first medical device and a second medical device in interchangeable master-slave relation such that one of the first medical device and the second medical device is an originating medical device and the other of the first medical device and the second medical device is a receiving medical device”;
- wherein the originating medical device comprises, *inter alia*, “a first identification portion for identifying the type of the treatment equipment connected to the first connecting portion” and “an originating medical device control portion for outputting identification information corresponding to the type of the treatment equipment identified by the first identification portion...”; and

- wherein the receiving medical device comprises “a receiving medical device control portion for...making permission/non-permission determination regarding whether or not the originating medical device is to be synchronized with the receiving medical device in response to the identification information outputted from the originating medical device control portion...”

Applicant respectfully submits that the differences between the disclosure of the ‘734 reference and the claimed surgery system is not obvious in view of Peterson.

Peterson, as presently understood by Applicant, relates to a system for supplying a drug to a patient. Peterson describes a system having a remote drug pump 100 and a local drug pump 200 where pumps 100, 200 include appropriate programs to operate either as a master pump or as a slave pump during pump to pump communications. Peterson broadly describes the local drug pump 200 changing or adjusting the operation of the remote drug pump 100. See Peterson, paragraphs [0181]-[0192].

In contrast, in the claimed surgery system set forth in amended independent claim 33, a first medical device and a second medical device interchangeably take on the role of master and of slave based on the type of treatment equipment connected on one of the devices. Accordingly, Applicant respectfully submits that the ‘734 reference and Peterson, taken individually or in combination, fail to teach or suggest at least this feature of the claimed surgery system.

For at least the above-stated reasons, the cited references fail to render unpatentable the claimed surgery system set forth in amended independent claim 33.

Claims 34 and 36-40 depend from and include all of the limitations of independent claim 33. Claims 34 and 36-40 have been amended where necessary to be consistent with amended independent claim 33. Accordingly, Applicant respectfully submits that claims 34 and 36-40 are patentable over the cited references for at least the reasons set forth above with respect to amended independent claim 33.

Lastly, Applicant respectfully submits that the Examiner's rejection of claim 35 is rendered moot by the cancellation of claim 35.

Withdrawal of the Examiner's rejection under 35 U.S.C. §103(a) of claims 33-40 is respectfully requested.

Conclusion

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

/Thomas Spinelli/

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

TS/WC:vh